

Planning Commission Date: November 17, 2004

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Staci Pereira

Public Hearing: Yes: X No:

Notices Mailed On: 11-5-04

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TITLE: USE PERMIT NOS. UP2004-29 AND UP2004-30

Proposal: A request for two temporary tract signs on two undeveloped parcels for the Parc Place residential project.

Location: Northwest corner of N. Abel St. and Milpitas Blvd. (APN 28-17-001)
Northeast corner of S. Main St. and Curtis Ave. (APN 86-25-020)**RECOMMENDATION: Approval with condition.**

Applicant: Sign Technology, 4775 Hannover Place, Fremont, CA 94538

Property Owners: Rosmond MacDonald, PO Box 361255, Milpitas, CA 95036
Kan Woo, 2650 Kelly Avenue, McKinleyville, CA 95519

Previous Action(s): n/a

Environmental Info: Exempt

General Plan Designation: Industrial Park
Mixed UsePresent Zoning: Industrial Park (MP)
Mixed Used (MXD)

Existing Land Use: Both undeveloped parcels

Agenda Sent To: Applicant and property owners

Attachments: Project plans

PJ No. 2401, 2400

BACKGROUND

In September 2004, the City approved a 285-unit residential development on the site of a former Lockheed industrial warehouse. Construction has begun on the site and the applicant is at a point where the model homes will soon be open for prospective homebuyers. At their meeting on September 22, 2004, the Planning Commission approved a temporary tract office and two signs on the construction site.

Site Description

The subject sites are both undeveloped. The 1.17-acre site at the northwest corner of North Abel Street and Milpitas Boulevard (APN 28-17-001) is a triangular parcel accessed off of Hanson Court with Jacklin Road to the east. The 0.40-acre site at the northeast corner of South Main Street and Curtis Avenue (APN 86-25-020) is a small square parcel. Hammond Way lies to the northeast, Abel Street to the west and Great Mall Parkway lies further south.

The Hanson Court site is zoned Industrial Park and is among industrial developed properties with adjacent residential land uses. The South Main Street site is zoned Mixed Use with a fast food restaurant north of the site, the City of Milpitas Fire Station across South Main Street, and residential to the south and east.

THE APPLICATION

The applications have been submitted pursuant to Section 4.06 (Temporary Tract Advertising Signs) of the Sign Ordinance and Section 57.02-24 (Temporary Uses) of the Zoning Ordinance.

Project Description

The applicant is requesting approval of two use permits to allow two (2) temporary off-site tract signs for a period of 24 months, as part of the Parc Place residential development. The off-site tract signs would be located at the northwest corner of North Abel Street and Milpitas Boulevard and northeast corner of South Main Street and Curtis Avenue. The signs would each be 10-feet tall with a two-sided 4' x 8' sign face. The signs will be identifying the new Parc Place development and will have contact, directions, and other project related information.

Conformance with the General Plan

The project conforms to the General Plan in that the use directly relates to Implementing Policies 2.a-1-22 which encourages development of the Midtown area as an attractive and economically vital district that accommodates a mixture of housing within a system of landscaped boulevards, streets and pedestrian/bicycle linkages and 2.b-I-3 which provides housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations. The proposed project meets the intent of the Midtown Specific Plan and is part of the home selling process that will facilitate the creation of new homes within the Midtown area and is part of the larger housing development, which will add 285 new housing units to the city, thus, providing to Milpitas' fair share to the region.

Conformance with the Zoning Ordinance

The proposed signs would be located in the Mixed Use and Industrial Park zoning districts. The signs do not conflict with any of the applicable development standards of either of these districts.

The zoning ordinance conditionally allows temporary tract signs subject to certain requirements, which are listed in the sign ordinance and noted in the matrix below.

* 3

DEVELOPMENT STANDARD	HANSON COURT SIGN	S. MAIN STREET SIGN	COMPLIES ?
Maximum Tract Signs = 6	1	1	Yes (4 total, 2 previously approved on the construction site)
Maximum Height = 12 ft.	10 ft.	10 ft.	Yes
Sign Area = 32 sq. ft. each	32 sq. ft.	32 sq. ft.	Yes

Additional requirements include limitations on the locations of the signs including:

- 150 ft. from any residential Building
- 100 ft. from any sign or billboard
- 15 ft. from any property line
- 600 ft. from any county expressway

The locations of both signs comply with all of the above provisions, with the exception of the Hanson Court sign, which is shown to be located 10 feet from Abel Street. This would place the sign in the public right-of way where the Berryessa Creek Trail Project construction is currently under way and not on the intended property. As conditioned by the Engineering Division, the sign cannot be located within this public right-of-way and must be set further back, on the actual proposed property. However, due to the width and slope of the right-of-way that separates Abel Street from the subject site, the sign would need to be located closer than 15 feet to the property line to be visible from the street and thus vary from an above development standard. The 15-foot setback is intended to ensure site distance clearance for vehicles and pedestrians. Since this setback would still be achieved from the street, approximately 40 feet, Staff concludes that this deviation would not result in any adverse impacts.

Neighborhood/Community Impact

The proposed signs are not expected to have any impact on the surrounding neighborhoods. The use is temporary in nature and is a common practice with the sales of any new residential project. Once the homes are sold, the tract signs will no longer exist, thus, not having any impact on the neighborhoods.

Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15304 (e) (Minor Alterations to Land) of the state CEQA Guidelines. Both signs are temporary uses that will have negligible or no permanent effect on the environment.

RECOMMENDATION

Close the Public Hearing. Approve Use Permit Nos. UP2004-29 and UP2004-30 based on the Findings and Special Conditions of Approval listed below:

FINDINGS

1. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15304 (e) (Minor Alterations to Land... temporary uses having negligible or no permanent effects on the environment) of the state CEQA Guidelines.
2. The proposed temporary tract signs are consistent with the City of Milpitas Zoning Ordinance and General Plan in terms of land use for Multi-Family Very High Residential zoning as it is a conditional use in the district.
3. As conditioned, the use will not be detrimental or injurious to the public health, safety, and general welfare to adjacent tenants or the surrounding community because the use is temporary in nature.

SPECIAL CONDITIONS

1. Use Permit No. UP2004-29 approval is for a tract signs at the northeast corner of S. Main St. and Curtis Ave. (APN 86-25-020) as shown on approved plans dated November 17, 2004, except as may be otherwise modified by these conditions of approval. Modifications to the proposed use will require review and approval by the Planning Commission of an amendment to this Use Permit. (P)
2. Use Permit No. UP2004-30 approval is for a tract sign at the northwest corner of N. Abel St. and Milpitas Blvd. (APN 28-17-001) as shown on approved plans dated November 17, 2004, except as may be otherwise modified by these conditions of approval. Modifications to the proposed use will require review and approval by the Planning Commission of an amendment to this Use Permit. (P)
3. The tract sign at the northwest corner of N. Abel St. and Milpitas Blvd. (APN 28-17-001) shall not be located within the City public right-of-way. (E)
4. Both use permits will expire without notification to the applicant on November 17, 2006 (24 months from the date of approval). (P)
5. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
6. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
7. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)

(P) = Planning Division

(E) = Engineering Division

*3

PM# 485 RED BACKGROUND
WITH WHITE COPY AND BORDER

WHITE BACKGROUND WITH CORPORATE
LOGO COLORS.

PARC PLACE


D.R. HORTON D.R. HORTON
PUBLIC
NYSE


America's Builder

WESTERN PACIFIC SERIES

www.wphi.com


**RIGHT AT
SIGNAL**





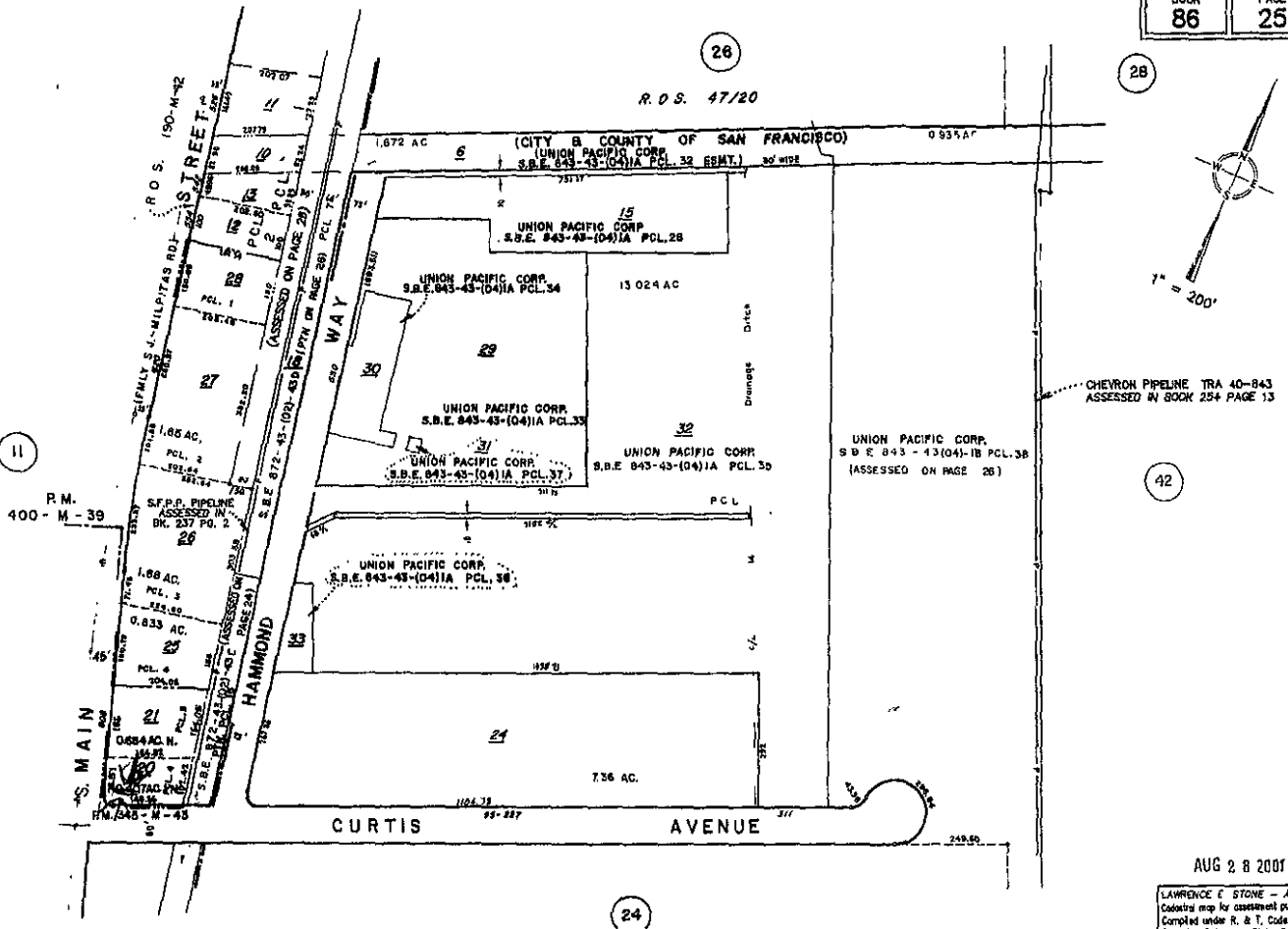
BLUE DIRECTIONAL PANEL WITH
WHITE COPY

PANEL SIZE IS
4' X 8'

 SIGN TECHNOLOGY, INC. 4775 HANNOVER PLACE FREMONT, CA 94538 510 226-0706 FAX 510 226-0844		PROJECT DESCRIPTION: PROPOSED 4' x 8' OFFSITE SIGN FOR PARC PLACE	
		DATE: 1-9-04	CLIENT: WESTERN PACIFIC HOUSING - BAY AREA DIV.
SCALE: 1" = 12"	SALES PERSON: DAN WORSLEY	DRAWN BY: JIM EDENS	
REVISION:	NUMBER	CLIENT APPROVAL:	DATE: / /
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Handwritten signature





AUG 28 2001

LAWRENCE E. STONE - ASSESSOR
 Cadastral map for assessment purposes only.
 Compiled under R. & T. Code, Sec. 327.
 Effective Roll Year 2001-2002

Calaveras Blvd

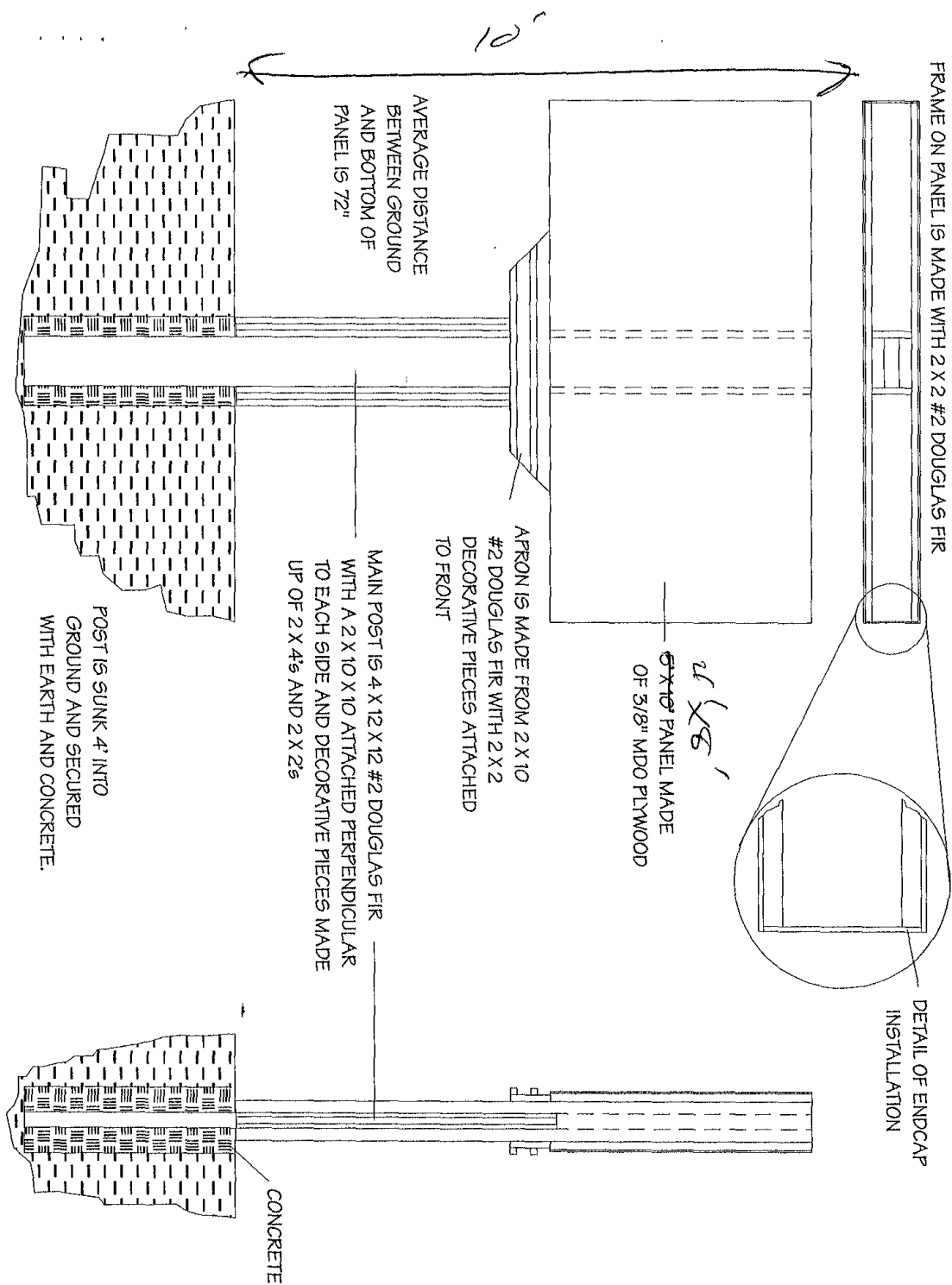



Main St

15'

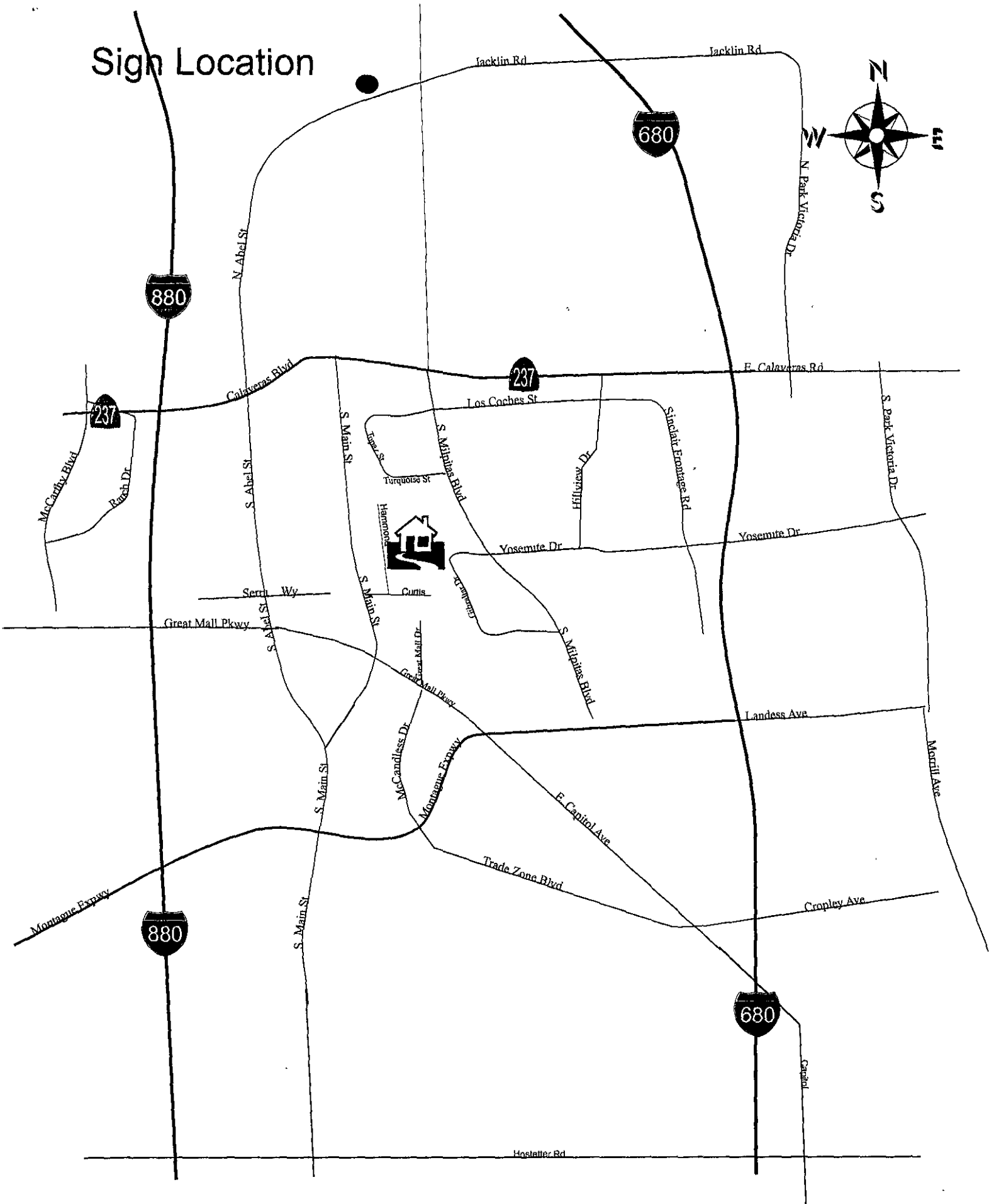
25'

Curtis



 <p>SIGN TECHNOLOGY, INC. 4725 HANNOVER PLACE IRVINE, CA 92618 909.226-0200 FAX 909.226-0844</p> <p><small>This is an original Sign Technology design. All rights to use or reproduce this design in whole or in part or to fabricate or produce its likeness thereof shall remain the exclusive right of Sign Technology.</small></p>	PROJECT DESCRIPTION: PROPOSED 4' x 8' OFFSITE SIGN FOR PARC PLACE	
	DATE: 1-9-04	CLIENT: WESTERN PACIFIC HOUSING - BAY AREA DIV.
	SCALE: 1" = 12"	SALES PERSON: DAN WORSLEY
	REVISION: _____	DRAWN BY: JIM EDENS
	NUMBER: _____	DATE: 1/1/04
WORK ORDER NO. 14777		CLIENT APPROVAL: _____

Sign Location



COMPILED IN CONFORMANCE WITH SEC. 327
OF THE REVENUE & TAXATION CODE
EFFECTIVE DATE MARCH 1, 1990
ALFREDE CARLSON - ASSESSOR

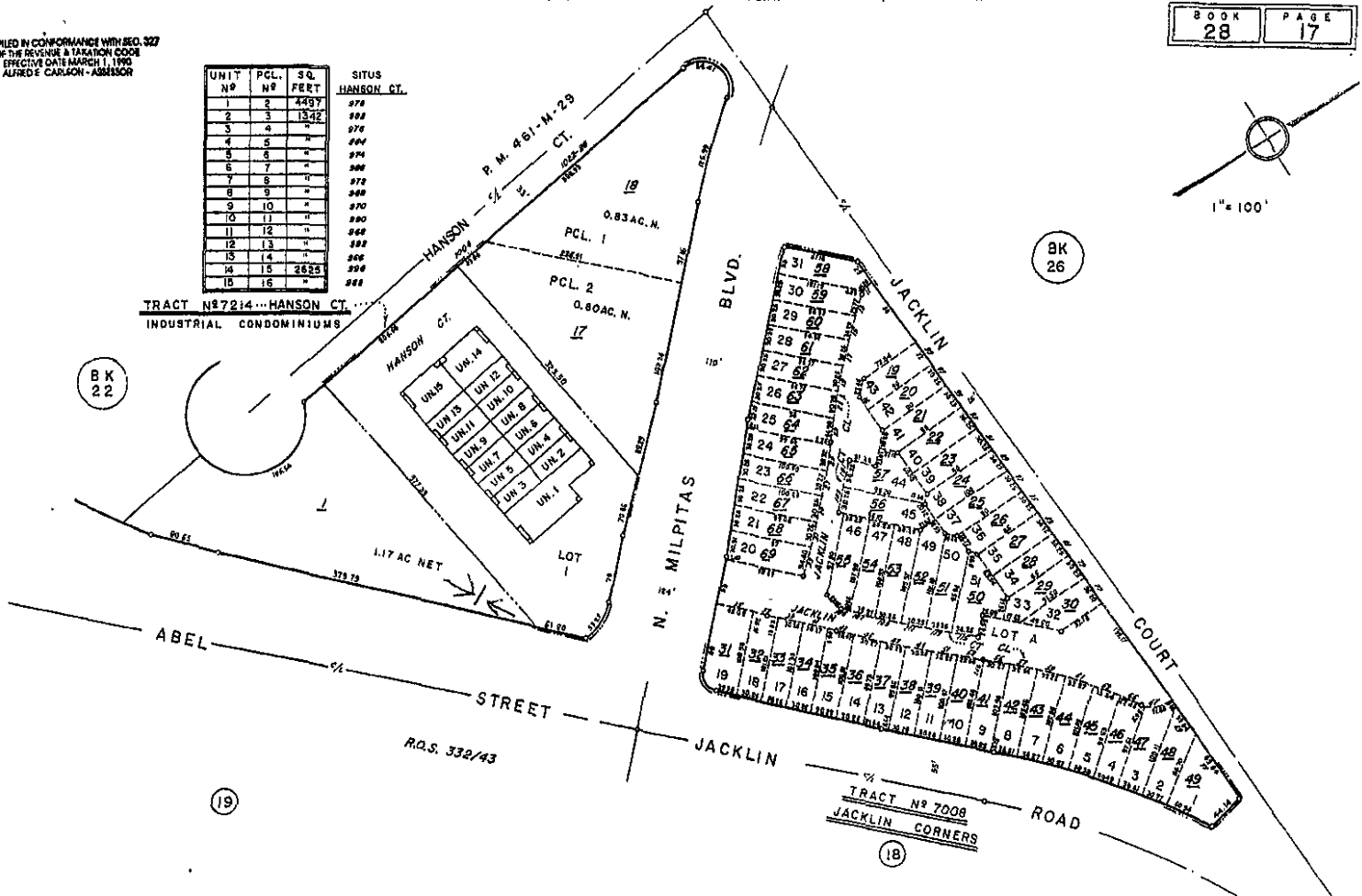
UNIT Nº	PCL. Nº	SQ. FEET
1	2	4497
2	3	1342
3	4	"
4	5	"
5	6	"
6	7	"
7	8	"
8	9	"
9	10	"
10	11	"
11	12	"
12	13	"
13	14	"
14	15	2625
15	16	"

SITUS
HANSON CT.

276
282
276
264
274
266
272
268
270
280
268
282
266
274
288

TRACT N87214 HANSON CT.
INDUSTRIAL CONDOMINIUMS

BK
22



ABEL

STREET

R.O.S. 332/43

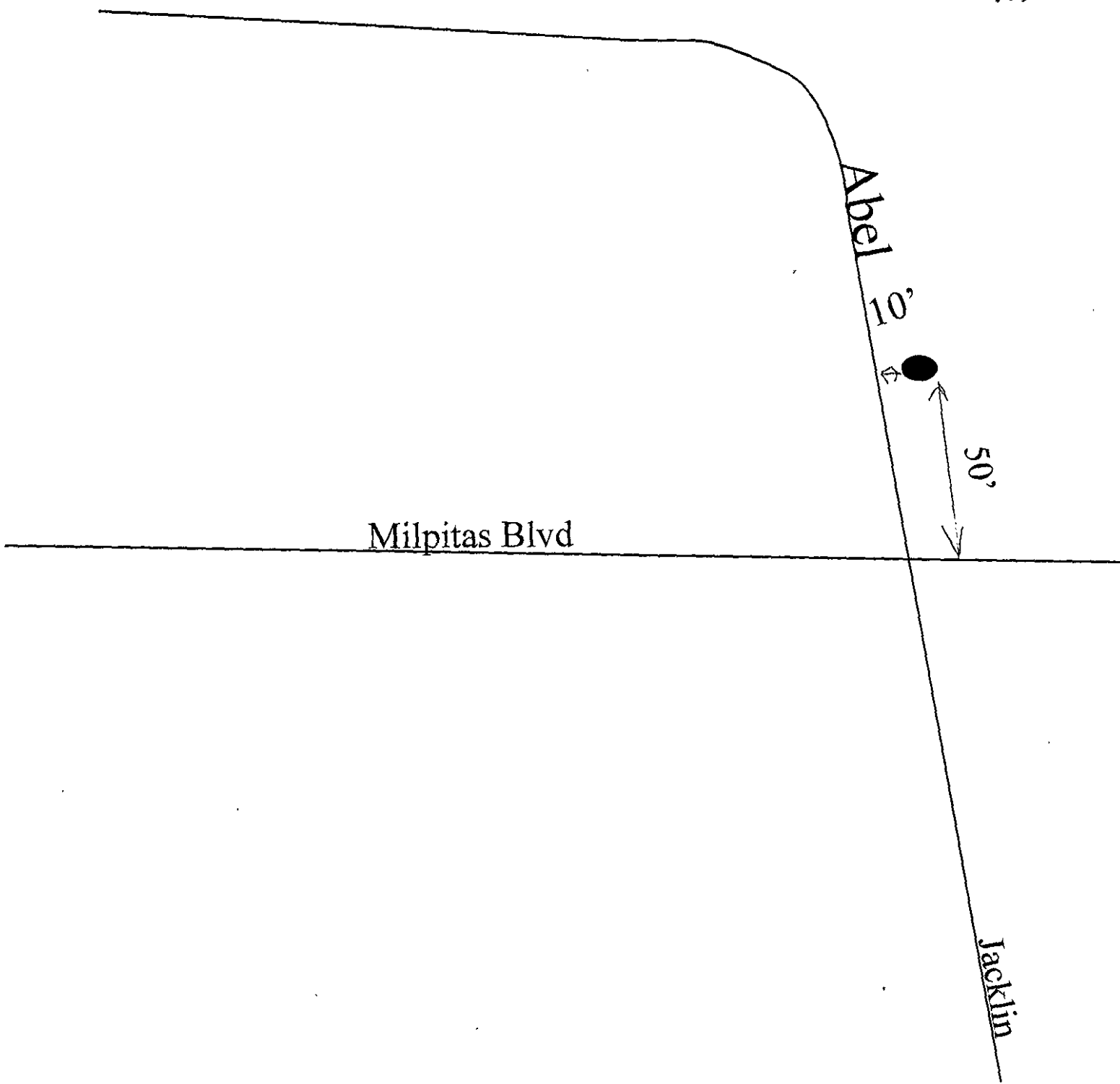
JACKLIN

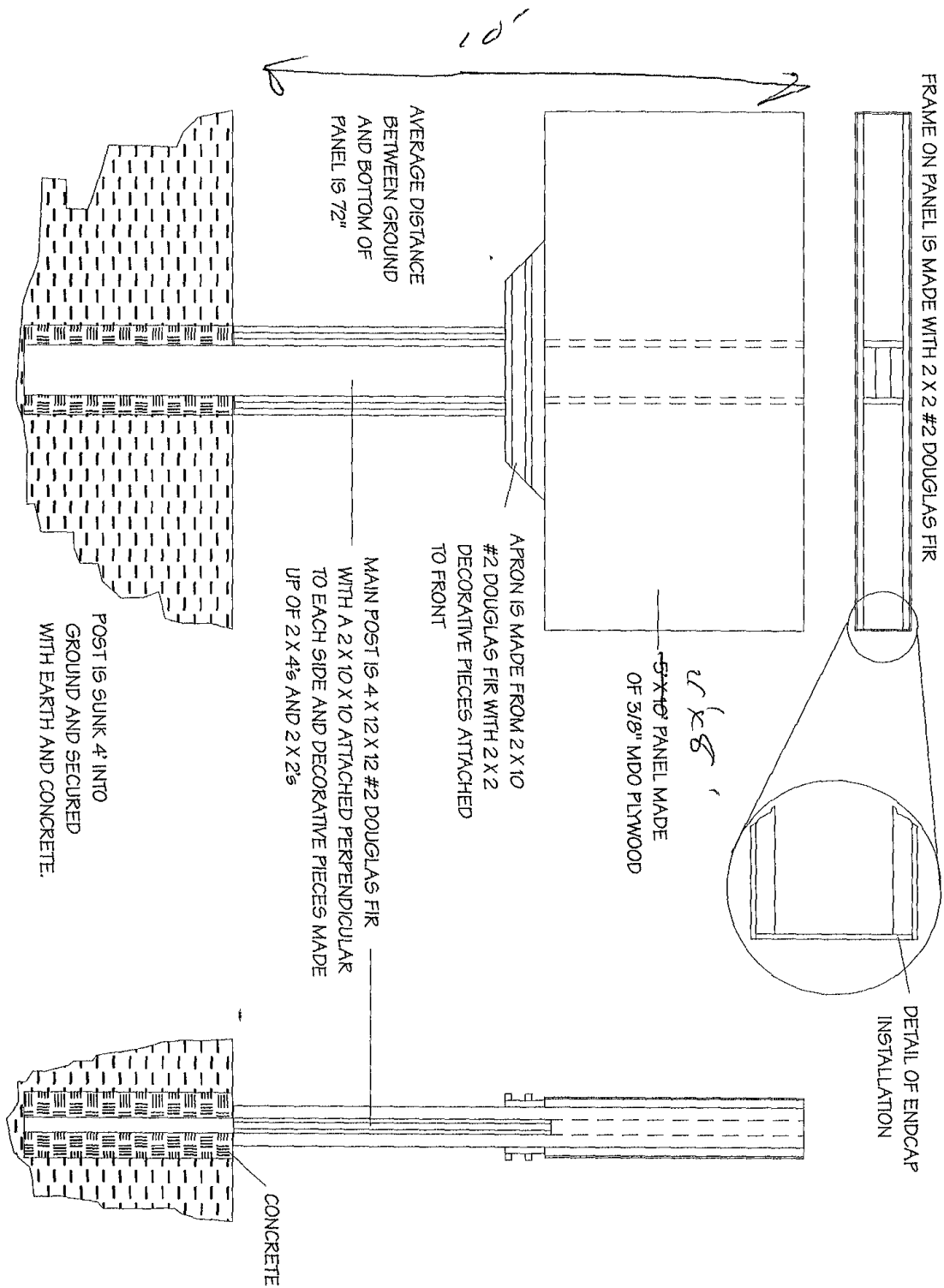
TRACT N87008
JACKLIN CORNERS


ROAD

COURT

1" = 100'





 <p>SIGN TECHNOLOGY, INC. 4725 HANNOVER PLACE FREMONT, CA 94538 510 236-0700 FAX 510 236-0844</p>		PROJECT DESCRIPTION: PROPOSED 4' x 8' OFFSITE SIGN FOR PARC PLACE	
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